



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

Telephone: (216) 522-3715

Fax: (216) 522-2418

[www.nlrb.gov](http://www.nlrb.gov)

May 7, 2008

Michael Cummins  
302 Railroad Street  
McGuffey, OH 45859

**Re: Quality Ready Mix**  
**Case No. 8-RD-2104**

Dear Mr. Cummins:

The above-captioned case, filed on January 29, 2008 petitioning for a decertification of representative under Section 9 of the National Labor Relations Act, has been carefully investigated and considered. As a result of that investigation, I am dismissing the petition. The dismissal is not subject to reinstatement. In reaching this conclusion, I rely on the following:

The Regional Director determined that the related unfair labor practice charge in Case Number 8-CA-37612 was meritorious and issued complaint on April 18, 2008. The complaint alleges, that the Employer assisted in the petition for decertification by soliciting employees to get rid of the Union, openly supported the petition for decertification, and openly condoned, encouraged and approved the solicitation of signatures for the decertification petition. Subsequent to the issuance of the complaint, the Employer entered into an informal settlement agreement regarding this and other conduct.

Because I have determined that the Employer unlawfully encouraged and assisted in the circulation of a decertification petition, the petition is dismissed. **TruServ Corporation, 349 NLRB No. 23 (2007).**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for

review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **May 21, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at [www.nlrb.gov](http://www.nlrb.gov). On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-Filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

Frederick J. Calatrello  
Regional Director

FJC:cjc

cc: Executive Secretary  
National Labor Relations Board  
Washington DC 20570

John Hershfield, Pres.  
Quality Ready Mix  
1670 North McCullough Street  
Lima, OH 45801

Connie S. Oliver, Esq.  
Burdzinski & Partners  
11 Fairway Dunes Lane  
Isle of the Palms, SC 29451

Truck Drivers, Warehousemen, Helpers Union,  
Local 908 a/w International Brotherhood  
of Teamsters  
800 St. Johns Avenue  
P. O. Box 1806  
Lima, OH 45802

John R. Doll, Esq.  
Doll, Jansen & Ford  
111 West First Street, Suite 1100  
Dayton, OH 45402